

**MINUTES OF THE ADJOURNED REGULAR MEETING OF THE CITY
COUNCIL AND COMMUNITY DEVELOPMENT COMMISSION
OF NATIONAL CITY, CALIFORNIA**

November 9, 2010

The Adjourned Regular Meeting of the City Council and Community Development Commission of National City was called to order at 6:02 p.m. by Mayor / Chairman Ron Morrison.

ROLL CALL

Council / Commission members present: Morrison, Sotelo-Solis, Van Deventer, Zarate.

Administrative Officials present: Babaki, Dalla, Deese, Duong, Hodges, Parra, Raulston, Rodriguez, Silva, Smith, Stevenson, Williams, Zapata.

Others present: Student Representative Samantha Galicia.

PLEDGE OF ALLEGIANCE TO THE FLAG BY MAYOR RON MORRISON

PUBLIC ORAL COMMUNICATIONS

Bert Andrade, National City, congratulated the winners and participants in the Municipal Election and thanked the Mayor and City Council for the new bus benches.

CITY COUNCIL

CONSENT CALENDAR

ADOPTION OF CONSENT CALENDAR. Item No. 1 (Minutes), Item No. 2 (NCCMC), Item Nos. 3 through 7 (Resolution Nos. 2010-240 through 2010-244), Item Nos. 8 through 10 (Warrant Registers), Item No. 11 (Report). Motion by Van Deventer, seconded by Sotelo-Solis, to approve the Consent Calendar. Carried by unanimous vote.

APPROVAL OF MINUTES

1. **SUBJECT:** Approval of the Minutes of the Adjourned Regular City Council/Community Development Commission Meetings of May 11, 2010, May 25, 2010 and June 8, 2010 and the Regular Meetings of October 5, 2010 and October 19, 2010. (City Clerk)

ACTION: Approved. See above.

CONSENT CALENDAR (cont.)

MUNICIPAL CODE 2010 (506-2-25)

2. APPROVAL OF A MOTION TO WAIVE READING OF THE TEXT OF THE ORDINANCES CONSIDERED AT THIS MEETING AND PROVIDES THAT SUCH ORDINANCES SHALL BE INTRODUCED AND/OR ADOPTED AFTER A READING OF THE TITLE ONLY. (City Clerk)

ACTION: Approved. See above.

DEED (D2010-2)

3. Resolution No. 2010-240. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY GRANTING A QUITCLAIM DEED FOR A SEWER EASEMENT VACATION TO JADE GROUP L.L.C. ON A PARCEL OF LAND AT THE SOUTHWEST CORNER OF PLAZA BOULEVARD AND PALM AVENUE AT 1540 PLAZA BOULEVARD, WHICH THE EXISTING SEWER MAIN WAS ABANDONED AFTER REALIGNMENT. (A.P.N. 557-330-09-00) (Development Services/Engineering)

ACTION: Adopted. See above.

GRANT / PUBLIC SAFETY (206-4-27)

4. Resolution No. 2010-241. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY AUTHORIZING THE POLICE DEPARTMENT TO PARTICIPATE IN THE BUREAU OF JUSTICE ASSISTANCE BULLETPROOF VEST PARTNERSHIP GRANT PROGRAM THAT WILL REIMBURSE THE CITY OF NATIONAL CITY \$4,678.10 OVER A TWO YEAR PERIOD. (Police)

ACTION: Adopted. See above.

GRANT / PUBLIC SAFETY (206-4-27)

5. Resolution No. 2010-242. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY AUTHORIZING THE ACCEPTANCE OF \$95,000.00 IN THE FORM OF THE HOPE (HOMELESS OUTREACH, PREVENTION AND ENFORCEMENT) GRANT FROM THE U.S. DEPARTMENT OF JUSTICE, OFFICE OF JUSTICE PROGRAMS. GRANT 2010-DD-BX-0443. (Police)

ACTION: Adopted. See above.

POLICE DEPT ADMIN (302-4-1)

6. Resolution No. 2010-243. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY AUTHORIZING THE NATIONAL CITY POLICE DEPARTMENT TO PARTICIPATE IN THE JURISDICTIONS UNIFIED FOR DRUG AND GANG ENFORCEMENT (JUDGE) TASK FORCE. (Police)

ACTION: Adopted. See above.

CONSENT CALENDAR (cont.)

CONTRACT (C2010-32)

7. Resolution No. 2010-244. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY AUTHORIZING THE MAYOR TO EXECUTE A FIRST AMENDMENT TO AGREEMENT FOR EXCHANGE OF REAL PROPERTY AND JOINT ESCROW INSTRUCTIONS (522 WEST 8TH STREET AND 2020 HOOVER AVENUE). (City Attorney)

ACTION: Adopted. See above.

WARRANT REGISTER JULY 2010 - JUNE 2011 (202-1-25)

8. Warrant Register #14 for the period of 09/29/10 through 10/05/10 in the amount of \$2,418,547.79. (Finance)

ACTION: Ratified. See above.

WARRANT REGISTER JULY 2010 - JUNE 2011 (202-1-25)

9. Warrant Register #15 for the period of 10/06/10 through 10/12/10 in the amount of \$673,814.17. (Finance)

ACTION: Ratified. See above.

WARRANT REGISTER JULY 2010 - JUNE 2011 (202-1-25)

10. Warrant Register #16 for the period of 10/13/10 through 10/19/10 in the amount of \$1,823,229.06. (Finance)

ACTION: Ratified. See above.

FINANCIAL MANAGEMENT 2010 - 2011 (204-1-26)

11. Investment Report for Quarter ended September 30, 2010. (Finance)

ACTION: Accepted and Filed. See above.

ORDINANCES FOR INTRODUCTION

MUNICIPAL CODE 2010 (506-2-25)

12. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY ADOPTING THE 2010 CALIFORNIA BUILDING CODE OF REGULATIONS, TITLE 24, VOLUMES I AND II AND APPENDICES C, G, H AND I OF SAID CODE, AMENDING CERTAIN SECTIONS; PROVIDING PENALTIES FOR VIOLATION THEREOF; AND AMENDING CHAPTER 15.08 OF THE NATIONAL CITY MUNICIPAL CODE PERTAINING TO THE CALIFORNIA BUILDING CODE. (Development Services/Building Division)

TESTIMONY: Staff presentations were made summarizing the Ordinances and code amendments. All ten Ordinances on the agenda are mandated by the State of California and will go into effect January 1, 2011.

ORDINANCES FOR INTRODUCTION (cont.)

MUNICIPAL CODE 2010 (506-2-25)

13. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY ADOPTING THE 2010 CALIFORNIA ENERGY CODE, CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 6, AND AMENDING CHAPTER 15.75 OF THE NATIONAL CITY MUNICIPAL CODE PERTAINING TO THE CALIFORNIA ENERGY CODE. (Development Services/Building Division)

MUNICIPAL CODE 2010 (506-2-25)

14. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY ADOPTING THE 2010 CALIFORNIA MECHANICAL CODE, CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 4 AND ADOPTING APPENDIX CHAPTERS 1, A, B, C, AND D OF SAID CODE, AND THE 2009 UNIFORM MECHANICAL CODE, AND AMENDING CHAPTER 15.14 OF THE NATIONAL CITY MUNICIPAL CODE PERTAINING TO THE CALIFORNIA MECHANICAL CODE. (Development Services/Building Division)

MUNICIPAL CODE 2010 (506-2-25)

15. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY ADOPTING THE 2010 CALIFORNIA PLUMBING CODE, TABLE 2902.1 OF THE 2010 CALIFORNIA BUILDING CODE AND CHAPTER 1, DIVISION II OF THE 2010 CALIFORNIA PLUMBING CODE, CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 5, AND THE UNIFORM PLUMBING CODE, AND AMENDING, ADDING, AND DELETING CERTAIN SECTIONS OF THESE CODES, AND AMENDING CHAPTER 15.20 OF THE NATIONAL CITY MUNICIPAL CODE PERTAINING TO THE CALIFORNIA PLUMBING CODE. (Development Services/Building Division)

MUNICIPAL CODE 2010 (506-2-25)

16. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY ADOPTING THE 2010 CALIFORNIA ELECTRICAL CODE, CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 3, ANNEX H OF SAID CODE, AND THE 2009 NATIONAL ELECTRICAL CODE AS AMENDED ESTABLISHING REQUIREMENTS, RULES AND STANDARDS FOR ELECTRICAL INSTALLATIONS AND MATERIALS WITHIN THE CITY AND AMENDING CHAPTER 15.24 OF THE NATIONAL CITY MUNICIPAL CODE PERTAINING TO THE CALIFORNIA ELECTRICAL CODE. (Development Services/Building Division)

ORDINANCES FOR INTRODUCTION (cont.)

MUNICIPAL CODE 2010 (506-2-25)

17. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY ADOPTING THE 2010 CALIFORNIA GREEN BUILDING STANDARDS CODE, CALIFORNIA CODE REGULATIONS, TITLE 24, PART 11 AND AMENDING THE NATIONAL CITY MUNICIPAL CODE BY ADDING CHAPTER 15.78 PERTAINING TO THE 2010 CALIFORNIA GREEN BUILDING STANDARDS CODE. (Development Services/Building Division)

MUNICIPAL CODE 2010 (506-2-25)

18. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY ADOPTING APPENDIX J OF THE 2010 CALIFORNIA BUILDING CODE, CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART II, APPENDIX J AND AMENDING CHAPTER 15.70 (GRADING) OF THE NATIONAL CITY MUNICIPAL CODE. (Development Services/Building Division)

MUNICIPAL CODE 2010 (506-2-25)

19. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY ADOPTING THE 2009 UNIFORM SWIMMING POOL, SPA AND HOT TUB CODE, AND AMENDING CHAPTER 15.22 OF THE NATIONAL CITY MUNICIPAL CODE PERTAINING TO UNIFORM SWIMMING POOL, SPA AND HOT TUB CODE. (Development Services/Building Division)

MUNICIPAL CODE 2010 (506-2-25)

20. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY ADOPTING THE 2010 CALIFORNIA RESIDENTIAL CODE, CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 2.5 AND ADDING CHAPTER 15.79 PERTAINING TO THE CALIFORNIA RESIDENTIAL CODE. (Development Services/Building Division)

MUNICIPAL CODE 2010 (506-2-25)

21. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY ADOPTING THE 2010 CALIFORNIA FIRE CODE OF THE CALIFORNIA CODE OF REGULATIONS, TITLE 24, AND APPENDICES THERETO AND THE NATIONAL FIRE PROTECTION ASSOCIATION STANDARDS, AMENDING CERTAIN SECTIONS; PROVIDING PENALTIES FOR VIOLATION THEREOF; AND AMENDING CHAPTER 15.28 OF THE NATIONAL CITY MUNICIPAL CODE. (Fire)

NEW BUSINESS

BUSINESS LICENSES ADMIN (203-5-1)

22. Update to the City Council on the Business Outreach and Retention Program: First monthly business license report. (Redevelopment)

RECOMMENDATION: None.

TESTIMONY: Jacqueline Reynoso, Chamber of Commerce, distributed promotional materials to the Council and advised that marketing materials will be available soon.

ACTION: No action taken.

STREET VACATION ADMIN 2010 (902-26-5)

23. A request to initiate a Street Vacation to vacate portions of D Avenue, south of 31st Street and 32nd Street, east of D Avenue. (Applicant: Sudberry Properties, Inc.) (Case File No. 2008-37 SC) (Development Services/Planning)

RECOMMENDATION: Staff recommends the Council initiate a Street Vacation to vacate the portion of D Avenue South of 31st Street and the portion of 32nd Street East of D Avenue.

TESTIMONY: None.

ACTION: Motion by Van Deventer, seconded by Zarate, to approve staff recommendation. Carried by unanimous vote.

TEMPORARY USE PERMITS 2010 (203-1-26)

24. Temporary Use Permit - Sweetwater Harley-Davidson "Vatos y Viclas" event at 3201 Hoover Avenue on November 13, 2010 from 8 p.m. to 12 a.m. with no waiver of fees. (Neighborhood Services Division)

RECOMMENDATION: Approve the Application for a Temporary Use Permit subject to compliance with all conditions of approval with no waiver of fees.

TESTIMONY: Marianna Polles, Sweetwater Harley-Davidson, thanked the City for installing requested lights but objected to the need for and cost of a TUP for every future event.

ACTION: Motion by Van Deventer, seconded by Zarate, to approve staff recommendation. Carried by unanimous vote.

KIMBALL SENIOR CENTER ADMIN (702-1-2)

25. Request from Samahan (aka Community Health Center/United Fil-Am Senior Citizens of San Diego) to use Kimball Senior Center on the last Saturday of each month from 10:00 a.m. – 3:00 p.m. for their monthly social/dance club. (Community Services)

RECOMMENDATION: Requesting direction from Council.

NEW BUSINESS (cont.)

KIMBALL SENIOR CENTER ADMIN (702-1-2)

25. Request from Samahan (aka Community Health Center/United Fil-Am Senior Citizens of San Diego) to use Kimball Senior Center (continued).

TESTIMONY: Joel San Juan, Samahan Clinic, spoke in support and responded to questions.

ACTION: Motion by Sotelo-Solis, seconded by Van Deventer, to approve use, \$155 fee and check deposit. Carried by unanimous vote. Dates for November and December unresolved.

COMMUNITY DEVELOPMENT COMMISSION

CONSENT CALENDAR

ADOPTION OF CONSENT CALENDAR. Item Nos. 26 and 27 (Resolution No. 2010-245 and 2010-246), Item Nos. 28 through 30 (Warrant Registers), Item No. 31 (Report). Motion by Van Deventer, seconded by Sotelo-Solis, to approve the Consent Calendar. Carried by unanimous vote.

CONTRACT (C2006-77b)

26. Resolution No. 2010-245. RESOLUTION OF THE COMMUNITY DEVELOPMENT COMMISSION (CDC) OF THE CITY OF NATIONAL CITY APPROVING A SECOND AMENDMENT TO THE DISPOSITION AND DEVELOPMENT AGREEMENT WITH SAN DIEGO HABITAT FOR HUMANITY, INCORPORATED, REVISING THE "LOW INCOME HOUSEHOLD" DEFINITION TO MEAN PERSONS AND FAMILIES WHOSE INCOME DOES NOT EXCEED EIGHTY PERCENT (80%) OF THE THEN CURRENT AREA MEDIAN INCOME. (Community Development)

ACTION: Adopted. See above.

CONTRACT (C2006-77a)

27. Resolution No. 2010-246. RESOLUTION OF THE COMMUNITY DEVELOPMENT COMMISSION (CDC) OF THE CITY OF NATIONAL CITY APPROVING AN AMENDMENT TO THE DISPOSITION AND DEVELOPMENT AGREEMENT WITH SAN DIEGO HABITAT FOR HUMANITY INCORPORATED, ALLOWING FOR FIRST-TIME HOMEBUYER PROMISSORY NOTES TO BE FORGIVEN ON THE FORTY-FIFTH ANNIVERSARY DATE OF PURCHASE, AMENDING DEFINITION OF LOW INCOME HOUSEHOLD, AND REVISING DEVELOPMENT SCHEDULE. (Community Development)

ACTION: Adopted. See above.

CONSENT CALENDAR (cont.)

WARRANT REGISTER JULY 2010 - JUNE 2011 (202-1-25)

28. Authorize the reimbursement of Community Development Commission expenditures in the amount of \$1,127,727.89 to the City of National City for the period of 09/29/10 through 10/05/10. (Finance)

ACTION: Approved. See above.

WARRANT REGISTER JULY 2010 - JUNE 2011 (202-1-25)

29. Authorize the reimbursement of Community Development Commission expenditures in the amount of \$54,159.26 to the City of National City for the period of 10/06/10 through 10/12/10. (Finance)

ACTION: Approved. See above.

WARRANT REGISTER JULY 2010 - JUNE 2011 (202-1-25)

30. Authorize the reimbursement of Community Development Commission expenditures in the amount of \$100,816.91 to the City of National City for the period of 10/13/10 through 10/19/10. (Finance)

ACTION: Approved. See above.

FINANCIAL MANAGEMENT 2010 - 2011 (204-1-26)

31. Investment Report for Quarter ended September 30, 2010. (Finance)

ACTION: Accepted and Filed. See above.

NON CONSENT RESOLUTION

CONTRACT (C2010-76)

32. Resolution No. 2010-247. RESOLUTION OF THE COMMUNITY DEVELOPMENT COMMISSION (CDC) OF THE CITY OF NATIONAL CITY APPROVING AN AGREEMENT NOT TO EXCEED \$53,104 WITH E2 MANAGETECH SOLUTIONS, INC. TO PREPARE A LAND USE COVENANT FOR A PORTION OF THE PUBLIC WORKS YARD SITE AT 2200 HOOVER AVENUE AND TO CONDUCT QUARTERLY GROUND WATER MONITORING AS REQUIRED BY THE CALIFORNIA DEPARTMENT OF TOXIC SUBSTANCES CONTROL. (Low Mod Housing Tax Increment Fund) (Community Development)

RECOMMENDATION: None.

TESTIMONY: None.

ACTION: Motion by Sotelo-Solis, seconded by Zarate, to adopt the Resolution. Carried by unanimous vote.

NEW BUSINESS

GRANT / COMMUNITY DEVELOPMENT (206-4-25)

33. A final report on the Areawide Brownfield Assessment Grant for the Westside Specific Plan area. (\$200,000 – Federal Funds) (Community Development)

RECOMMENDATION: None.

TESTIMONY: None.

ACTION: Motion by Sotelo-Solis, seconded by Zarate, to accept and file report. Carried by unanimous vote.

STAFF REPORT

BUDGET FY 2010-2011 (206-1-26)

34. Two Week Holiday Closure Update. (City Manager)

ACTION: Motion by Sotelo-Solis, seconded by Zarate, to accept and file report. Carried by unanimous vote.

MAYOR AND CITY COUNCIL

Member Sotelo-Solis extended congratulations to all election participants, encouraged people to become civically engaged at all levels of government and complimented the Fire Department for the great breakfast they hosted for Spirit of the Holidays.

Member Van Deventer reminded everyone that an additional Spirit of the Holidays breakfast is scheduled on December 4th at Las Palmas School.

CLOSED SESSION REPORT (509-1-4)

35. Closed Session. (City Attorney)

Claudia Silva, City Council / CDC Attorney, reported that there was action on one item from the 5:00 pm Closed Session.

The City Council authorized the initiation of litigation in one matter. The identity of the action and the defendants will not be disclosed at this time, but once litigation has been formally commenced, will be disclosed to any person upon inquiry, unless to do so would jeopardize the ability to effectuate service of process on one or more unserved parties, or would jeopardize the ability to conclude existing settlement negotiations. (See attached Exhibit 'L')

ADJOURNMENT


Motion by Van Deventer, seconded by Sotelo-Solis, to adjourn the meeting to the next Adjourned Regular City Council and Community Development Commission Meeting to be held Tuesday, November 23, 2010 at 6:00 p.m. at the Council Chambers, National City, California. Carried by unanimous vote.

The meeting closed at 7:17 p.m.



City Clerk / Recording Secretary

The foregoing minutes were approved at the Regular Meeting of November 23, 2010.



Mayor / CDC Chairman

EXHIBIT 'L'



**AGENDA OF A SPECIAL MEETING
CITY COUNCIL OF THE CITY OF NATIONAL CITY**

**Main Conference Room
Civic Center
1243 National City Boulevard
National City, California**

Special Meeting – Tuesday, November 9, 2010 – 5:00 p.m.

ROLL CALL

CLOSED SESSION

1. Conference with Labor Negotiators – Government Code Section 54657.6
Agency Designated Representatives: Stacey Stevenson, Claudia Silva, Eddie Kreisberg, Brad Raulston, and Jeannette Ladrigo
Employee Organization: Fire Fighters Association
2. Conference with Legal Counsel – Anticipated Litigation:
Initiation of Litigation Pursuant to Government Code Section 54956.9 (c) – One case

ADJOURNMENT

Next Regular City Council/CDC Meeting - Tuesday, November 9, 2010, 6:00 p.m., Council Chambers, Civic Center